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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,281

10/31/2003

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SHO-0055

8441

23353 7590 03/30/2009
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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,281	Applicant(s) OKADA, KAZUO	
	Examiner CHRISTIAN E. RENDÓN	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7 and 9-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION
Response to Amendment

The office action is a response to the appeal filed on 12/30/08 in which the appeal conference decided a new Final Office should be issued based on the previous amendments filed 7/22/08. Claims 5, 7 & 9-26 are still pending.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In other words, "Gaming Machine" describes none of the applicant's limitations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 10-11, 12, 15-18 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida (US 6,343,161) in view of Ahuja (US 6,157,529).

1. Uchida discloses an image processor **140** that receives image data for various type of processing jobs such as gradation conversion, color conversion, hyper tone and sharpness processing (Uchida: col. 7, lines 24-30). The tasks are performed by an image processor constructed in software/emulator (Uchida: fig. 2, 136B) or as hardware (Uchida: fig. 2, 136A) containing of three dedicated frame memory modules **142** (Uchida: fig. 4). The hardware image processor **140** checks its legitimacy by comparing a processed image with the original image (Uchida: fig. 6, 208-210) and switches to the emulated processor when a difference in the images occurs (Uchida: col. 9, lines 37-41) or turns off the frame memory module that is performing abnormally (Uchida: col. 13, lines 25-35). Once an image processing job is completed by the available resources working within normal parameters, an image is displayed on a display screen (Uchida: col. 1, lines 25-27).

Art Unit: 3714

2. Regarding claims 5, 10-11, 15-17, 21, the reference discloses a **display device** (Uchida: col. 1, lines 25-27) and its **control device** as a personal computer (PC) (Uchida: col. 1, lines 31-35). The figures disclosing the program flow of the prior art teach the use of an **image control and state keeping device for monitoring a signal of an image** (Uchida: fig. 6-9) **fed from the display control device** or PC (Uchida: col. 10, lines 44-50). The detection of a normal image is the result of a image processor (Uchida: fig. 6, 214) or at least one of the memory modules (Uchida: fig. 8, 208, 214, 220) is working within normal parameters; thus the **detection of a signal in a normal state renders a normal image on the display** (Uchida: col. 1, lines 25-27). Furthermore, the **detection of an abnormal image** is the result of a processor or memory module producing an image that fails a comparison check (Uchida: abstract); thus preventing the displaying of an abnormal image since the image processing is performed through working components only (Uchida: fig. 8b, 220, 214, 224) resulting in the **displaying of a normal image**. The purpose of the processed images are left open by the prior art; thus an ordinary skill artisan would recognize the use of this invention in any system displaying digital images in conjunction with an error correcting mechanism, such as a digital slot machine **game**. Furthermore the prior art mentions the use of a PC (Uchida: col. 1, lines 34-35) and display device (Uchida: col. 1, lines 25-27) in performing the disclosed operations. It is well known in the art of computing that a normal setup for a PC and display is to connect both devices to a power strip or surge protector to allow multiple devices to provide protection from voltage spikes and access to a single power supply. Thus an ordinary artisan would recognize the basic computer setup consist of a **power source relay device** (surge protector) connected to a **power source feeding device to independently supply power to an image control device (PC) and a display device**. In case the applicant disagrees with the capabilities of a surge protector, please refer to the Ahuja reference. This prior art teaches a surge protector containing an electromechanical relay (Ahuja: col. 3, lines 48-49) for the purpose of protecting electric devices from power surges (Ahuja: col. 3, lines 21-27).

Art Unit: 3714

3. Regarding claims 12 and 18, the prior art discloses a module labeled “image compression/expansion section” (Uchida: fig. 2, 158). Thus Examiner views the art teaching an image processor performing an image expansion or **enlarging conversion** as one of the many processing tasks capable by the image processor (Uchida: col. 7, lines 24-30).

Claims 7, 9, 13-14, 19-20 & 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose et al. (US 6,517,433 B2) in view of Uchida and Ahuja.

4. The above description of the invention or prior art combination discussed above is considered within this art rejection as well. The prior arts are silent towards the use of rotating reels containing symbols. Loose discloses a slot machine comprising of multiple spinning reels & a video display (Loose: abstract). “The video display provides a video image superimposed on the reels” (Loose: col. 1, lines 46-47), therefore the display is in front of the reels (Loose: fig. 2a, 14a). The video image complements the reel symbols by interacting with the reels with graphics, special effects, thematic scenery, and instructional information (Loose: col. 1, lines 48-50). The appearance of a video image is adjustable in terms of transparency, translucency, or opacity depending on the purpose of the image (Loose: col. 5, lines 24-27). In other words, the superimposed image highlights the winning combination and its associated pay line by providing an effect that flashes or illuminates the pay line or a portion of the reel (Loose: col. 4, lines 4-10). The purpose of a slot machine is to generate revenue for an establishment thus a machine that works properly is critical. However when an error happens to occur, error-correcting algorithms prevent any down time which results in a loss of revenue. Therefore it would have been obvious to an ordinary artisan to include the teachings of Uchida and/or Ahuja in an attempt to prevent the misrepresentation of a game state and any down time. Since both prior art teach a system self correcting itself in error generating situations.

5. Regarding claims 7, 14, 19, 22, 24 and 26, the prior art discloses a display capable of showing a **color** (Loose: col. 5, lines 31-34) and **transparent image** (Loose: col. 5, lines 24-27) **in front of a**

Art Unit: 3714

rotating reel (Loose: fig. 2a). Thus the art combination contains a **transparent image display** and an **image control device that detects abnormal images** (Uchida: fig. 6-9).

6. Regarding claim 9, 13, 20 and 25, the prior art combination remains silent towards building an **image control device into an upper portion**. However the Examiner considers building the control device into the upper and not lower portion of a gaming machine mere design choice. Since a specific problem is not solved by restricting the control device into the upper portion.

7. Regarding claim 23, please refer above to the rejection of claim 12 for more details.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dimtry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/CHRISTIAN E RENDÓN/
Examiner
Art Unit 3714
CER